

## **QUALITY ASSURANCE PROVISIONS**

### **C-321: SPECIFICATION:**

Articles to be furnished hereunder shall be manufactured, tested and inspected in accordance with drawing number 4052T59G02 Rev. "A" and all details and specifications referenced therein.

**I. Material P/N:** AMS 5516 shall be procured from OEM approved source.

#### **II. Quality/Inspection Requirements**

- A.** MIL-I-45208 (or equivalent) applies: Refer to contract section E.
- B.** First Article Testing applies: Refer to contract section I.
- C.** Production Lot Testing applies: Refer to contract section C.
- D.** Mandatory Inspection applies: Refer to contract section C.

#### **III. Supplemental Requirements**

- A.** Additionally, Paragraph 3.1, 3.5, 5.1, 5.2, 6.1, and 6.2 of MIL-Q-9858 (or equivalent) apply.
- B.** The contractor shall include on the detailed process operation sheets developed, a tracking method that is traceable to the contract, all in-house manufacturing processes, and the identity of all manufacturing sources performing process/operations outside of their facilities. These sheets shall not be revised or altered after successful completion of First Article or Production Lot testing without approval from the Basic Design Engineering (BDE) activity via the PCO.
- C.** The Inspection Method sheets which list the characteristics of each item produced under the contract shall have serial number trace ability to the raw material, casting, or forging.
- D.** Markings should be IAW MIL-STD-130 Rev. "K" para. 5.3.3 (a), (b), (c) and (g). Method and location shall be IAW drawing.

#### **IV. Mandatory Inspection Requirements:**

During production, mandatory inspection is required to be accomplished by the contractor as follows:

- A.** Level of Inspection (LOI).

- (1) Critical characteristics: 100% inspection shall apply.

**IV. Continued**

- (2) Major and Minor characteristics-LOI shall be IAW a sampling plan acceptable to the QAR.

**B. Critical characteristics P/N: None**

**C. Major and Minor Characteristics**

- (1) Shall be defined by the contractor subject to QAR concurrence, unless defined on applicable drawings and associated specifications.

**V.** Unless expressly provided for elsewhere in this clause, equipment such as fixtures, jigs, dies, patterns, templates, mylars, special tooling, test equipment, or any other manufacturing aid required for the manufacture and/or testing of other sources and is the sole responsibility of the contractor. The foregoing applies notwithstanding any reference to such equipment or the furnishing thereof that may be contained in any drawing or referenced specification.

**PRODUCTION LOT TESTING REQUIREMENTS**

The material produced under contract shall be accepted by the cognizant CAO/QAR contingent upon the successful completion of these requirements:

- I.** Production Lot Test Sampling Requirements
  - A.** The cognizant CAO/QAR shall select two (2) item(s) at random from the first production run.
  - B.** Production Lot Testing to be completed during production.
- II.** The tests to be performed under the Production Lot Sample testing provisions of the contract are:
  - A.** Compliance with drawing 4052T59 and all associated drawings, latest revisions, and specifications referenced therein.
  - B.** Compliance with Source Control drawing 4070T67 and all associated drawings, latest revisions, and specifications referenced therein.
  - C.** Dimensional inspection
  - D.** Review of documentation as provided under CDRL (DD1423)

In addition to the above tests, the Production Lot Sample(s) to be delivered hereunder shall also be subjected to those tests, which will demonstrate that the sample(s) comply with contractual requirements.

- III.** Testing Location, Cost and Estimated Lead-time
  - A.** Testing to be performed at contractor's facility.
  - B.** Estimated cost for Inspection/Test is: \$900.00
  - C.** Estimated lead-time for Inspection/Test is: TBD

Within fifteen (15) days of completion of Production Lot Testing, the CAO/QAR shall prepare and submit two (2) copies of their test report with conclusions and recommendations to the contracting officer.

- IV.** Shipment and Distribution of Samples
  - A.** Within Fourteen (14) days of completion, prior to shipment, the contractor shall notify the PCO in writing, of the anticipated shipping date.

- B.** Sample(s) may be considered as production items under the contract provided the sample(s) can be refurbished to ready for issue (RFI) condition and provided the sample(s) have inspection approval of the cognizant CAO/QAR. Sample(s) may be shipped as production items only after all other units required under the contract have been produced and are ready for shipment.
- C.** The contractor shall notify the PCO fifteen days prior to conducting Production Lot testing.

**PRODUCTION LOT SAMPLES TESTING**

- A. The Production Lot sample(s) shall be selected at random by the cognizant Government inspector. Such sample(s) shall be submitted via the cognizant Government inspector.

The sample(s) shall be identified by contract number, lot number and be clearly marked as follows:

**PRODUCTION LOT SAMPLES  
NON-RFI MATERIAL  
DO NOT TAKE UP IN STOCK**

- B. Such samples shall be tested in sufficient time prior to the delivery date of the production articles to allow a 75 day period for testing and written notification by the contracting officer of the approval or disapproval of the samples. Within 45 days of the receipt of samples, the testing facility shall notify the contracting officer, of the testing results, together with a recommendation for approval or disapproval.
- C. In the event the contractor does not receive written notification of approval or disapproval of the samples for a particular production lot within 75 days from their submission for such testing, the contract delivery schedule shall be equitably adjusted as necessary.
- D. If the contractor fails to deliver any Production Lot Sample(s) for testing within the time or times specified, or if the contracting officer disapproves any Production Lot Sample(s), the contractor shall be deemed to have failed to make delivery within the meaning of the default clause of this contract, and this contract shall be subject to termination for default.
- E. In order for a Production Lot to be acceptable, all samples representative of the lot must pass all the contractual requirements. In the event a sample fails to pass such requirements, the lot will be rejected. In such event, the Government may, at its' option and at no additional cost to the Government, 1) terminate all or any portion of this contract for default, 2) require the manufacture of a new Production Lot, or a rework of the rejected Production Lot if the means and procedures proposed by the contractor for rework are acceptable to the Government, or 3) require the submission of additional samples for test. The foregoing procedures shall apply to new or reworked Production Lots in the same way as they did to the original Production Lot.

- F.** For each additional sample or each re-submission of a modified sample which the contractor is required to submit for approval hereunder as a result of a failure of a previous sample to conform to the requirements of the specification, the contractor shall pay to the Government the costs of re-inspection, shipping, examination, and re-testing by the Government, and the contractor and his sureties (if any) shall be liable for the amount of such costs.
- G.** All transportation charges incurred in the submission and return of any Production Lot Sample(s) shall be borne by the contractor.
- H.** Nothing contained in the foregoing provisions of this clause, and no action of the Government in accordance herewith, shall in any way prejudice the right of the Government under the clause of this contract titled Default.

| CONTRACT DATA REQUIREMENTS LIST<br>(2 Data Items)   |   |                              |  |  | Form Approved<br>OMB No. 0704-0188 |                           |    |
|---|---|------------------------------|--|--|------------------------------------|---------------------------|----|
| <p>The public reporting burden for this collection of information is estimated to average 220 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0188), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to the above address. Send completed form to the Government Issuing Contracting Officer for the Contract/PR No. listed in Block E.</p> |   |                              |  |  |                                    |                           |    |
| A. CONTRACT LINE ITEM NO.   |   | B. EXHIBIT                   |  | C. CATEGORY:<br>TDP <input type="checkbox"/> TM <input type="checkbox"/> OTHER <input checked="" type="checkbox"/> |                                    |                           |    |
| D. SYSTEM/ITEM<br>5342-01-126-4141  |   | E. CONTRACT/PR NO.           |  | F. CONTRACTOR  |                                    |                           |    |
| 1. DATA ITEM NO.<br>0001  | 2. TITLE OF DATA ITEM<br>CERTIFICATION DATA/REPORTS |                              | 3. SUBTITLE<br>COMPLETE PROCESS/OPERATION SHEETS |  | 17. PRICE BREAK                    |                           |    |
| 4. AUTHORITY (Data Acquisition Document No.)<br>DI-MISC-90074/11  |   | 5. CONTRACT REFERENCE<br>N/A |  | 6. REQUIRING OFFICE<br>NADEP Cherry Point  |                                    | 18. ESTIMATED TOTAL PRICE |    |
| 7. DDC50 REQ<br>LT  | 9. DIST STATEMENT REQUIRED<br>B                     | 10. FREQUENCY<br>AS REQ      | 12. DATE OF FIRST SUBMISSION<br>AS REQ           | 14. DISTRIBUTION   |                                    |                           |    |
| 8. ADP CODE<br>A  |   | 11. AS OF DATE<br>N/A        | 13. DATE OF SUBSEQUENT SUBMISSION<br>AS REQ      | a. ADDRESSEE   | b. COPIES                          |                           |    |
|   |   |                              |  |  | Draft                              | Final                     |    |
|   |   |                              |  |  | Reg                                | Repro                     |    |
| <p>16. REMARKS</p> <p>Paragraphs 10.1, 10.2, 10.2.1, 10.2.2, 10.2.4 and 10.5 apply.</p> <p>Block 9: Statement B, US Government, Naval Inventory Control Point.</p> <p>Block 10: First submission to be made upon submission of (DUE AT TIME OF FIRST ARTICLE/PRODUCTION LOT TEST OR AT CONTRACT COMPLETION IF TESTING IS WAIVED.) testing sample.</p> <p>* Block 14: Make submission to (NAVAL DEPOT CHERRY POINT FAT CONTROL CENTER CODE 6.1.523 PSC BOX 8021 MCAS CHERRY POINT NC 28533-5030</p> <p>Block 13: Second submission required if the process/operation changes after approval of (DUE AT TIME OF FIRST ARTICLE / PRODUCTION LOT TEST OR AT CONTRACT COMPLETION IF TESTING IS WAIVED.) test.</p> <p>** Block 14: Make submission to (NAVAL AVIATION DEPOT CHERRY POINT FAT CONTROL CENTER CODE 6.1.523 PSC BOX 8021 MCAS CHERRY POINT NC 28533-5030</p> <p>Block 14: When NAVICP 02 is referenced in distribution, forward to the NAVICP code cited on Block 10.A. on page 1.</p>   |   |                              |  | SEE BLK 16*  | 00                                 | 01                        | 00 |
|   |   |                              |  | SEE BLK 16**   | 00                                 | 01                        | 00 |
|   |   |                              |  | DSCR/JGTB  | 00                                 | 01                        | 00 |
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| 1. DATA ITEM NO.<br>0002  | 2. TITLE OF DATA ITEM<br>CERTIFICATION DATA/REPORTS |                              | 3. SUBTITLE<br>COMPLETED INSPECTION METHOD SHTS  |  | 17. PRICE BREAK                    |                           |    |
| 4. AUTHORITY (Data Acquisition Document No.)<br>DI-MISC-906 A/TL  |   | 5. CONTRACT REFERENCE<br>N/A |  | 6. REQUIRING OFFICE<br>NADEP Cherry Point  |                                    | 18. ESTIMATED TOTAL PRICE |    |
| 7. DDC50 REQ<br>LT  | 9. DIST STATEMENT REQUIRED<br>B                     | 10. FREQUENCY<br>AS REQ      | 12. DATE OF FIRST SUBMISSION<br>AS REQ           | 14. DISTRIBUTION   |                                    |                           |    |
| 8. ADP CODE<br>A  |   | 11. AS OF DATE<br>N/A        | 13. DATE OF SUBSEQUENT SUBMISSION<br>AS REQ      | a. ADDRESSEE   | b. COPIES                          |                           |    |
|   |   |                              |  |  | Draft                              | Final                     |    |
|   |   |                              |  |  | Reg                                | Repro                     |    |
| <p>16. REMARKS</p> <p>Paragraphs 10.1, 10.2, 10.2.1, 10.2.2, 10.2.4 and 10.5 apply.</p> <p>Block 9: Statement B, US Government, Naval Inventory Control Point.</p> <p>Block 10: First submission to be made upon submission of (DUE AT TIME OF FIRST ARTICLE/PRODUCTION LOT TEST OR AT CONTRACT COMPLETION IF TESTING IS WAIVED.) testing sample.</p> <p>* Block 14: Submit to NADEP Cherry Point F.A.T. Control Center Code 6.1.523 PSC Box 8021 MCAS Cherry Point, NC 28533-5030</p> <p>Block 13: Second submission required if the process/operation changes after approval of (DUE AT TIME OF FIRST ARTICLE / PRODUCTION LOT TEST OR AT CONTRACT COMPLETION IF TESTING IS WAIVED.) test.</p> <p>** Block 14: Submit to: NADEP Cherry Point F.A.T. Control Center Code 6.1.523 PSC Box 8021 MCAS Cherry Point, NC 28533-5030</p> <p>Block 14: When NAVICP 02 is referenced in distribution, forward to the NAVICP code cited on Block 10.A. on page 1.</p>   |   |                              |  | CAO/QAR  | 00                                 | 01                        | 00 |
|   |   |                              |  | SEE BLK 16*  | 00                                 | 01                        | 00 |
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|   |   |                              |  | SEE BLK 16**   | 00                                 | 01                        | 00 |
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| G. PREPARED BY<br>N00383 0733.16  |   | H. DATE<br>Feb. 13, 2002     |  | I. APPROVED BY<br>Mark Monaghan  |                                    | J. DATE<br>Feb. 13, 2002  |    |





## INSTRUCTION FOR COMPLETING DD FORM 1423

(See DoD 5010.12-M for detailed instructions.)

FOR GOVERNMENT

### FOR GOVERNMENT PERSONNEL

**Item A.** Self-explanatory

**Item B.** Self-explanatory

**Item C.** Mark (X) appropriate category: TDP - Technical Data Package; TM - Technical Manual Other - other category of data, such as AProvisioning, AConfiguration Management, etc.

**Item D.** Enter name of system/item being acquired that data will support.

**Item E.** Self-explanatory (to be filled in after contract award)

**Item F.** Self-explanatory (to be filled in after contract award)

**Item G.** Signature of preparer of CDRL

**Item H.** Date CDRL was prepared

**Item I.** Signature of CDRL approval authority

**Item J.** Date CDRL was approved

**Item 1.** See DoD FAR Supplement Subpart 4.71 for proper numbering.

**Item 2.** Enter title as it appears on data acquisition document cited in Item 4.

**Item 3.** Enter subtitle of data item for further definition of data item (optional entry)

**Item 4.** Enter Data Item Description (DID) number, military specification number, or military standard number listed in DoD 5010.12-1 (AMSDL), or one-time DID number, that defines data content and format requirements

**Item 5.** Enter reference to tasking in contract that generates requirement for the data item (e.g., Statement of Work paragraph number)

**Item 6.** Enter technical office responsible for ensuring adequacy of the data item

**Item 7.** Specify requirement for inspection/acceptance of the data item by the Government

**Item 8.** Specify requirement for approval of a draft before preparation of the final data item

**Item 9.** For technical data, specify requirement for contractor to mark the appropriate distribution statement on the data (ref DoDD 5230.24)

**Item 10.** Specify number of times data items are to be delivered

**Item 11.** Specify as-of date of data item, when applicable

**Item 12.** Specify when first submittal is required

**Item 13.** Specify when subsequent submittals are required, when applicable

**Item 14.** Enter addressees and number of draft/final copies to be delivered to each addressee. Explain reproducible copies in Item 16

**Item 15.** Enter total number of draft/final copies to be delivered

**Item 16.** Use for additional clarifying information for items 1 through 15. Examples are: Tailoring of documents cited in Item 4; Clarification of submittal dates in Items 12 and 13; Explanation of reproducible copies in Item 14; Desired medium for delivery of the data item.

### FOR THE CONTRACTOR

**Item 17.** Specify appropriate price group from one of the following groups of effort in developing estimated prices for each data item listed on the DD Form 1423

a. **Group I. Definition -** Data which is not otherwise essential to the contractor's performance of the primary contracted effort (production development, testing, and administration) but which is required by DD Form 1423

**Estimated Price -** Costs to be included under Group I are those applicable to preparing and assembling the data item in conformance with Government requirements, and the administration and other expenses related to reproducing and delivering such data items to the Government.

b. **Group II. Definition -** Data which is essential to the performance of the primary contracted effort both the contractor is required to perform additional work to conform to Government requirements with regard to depth of content, format, frequency of submittal, preparation, control, or quality of the data item.

**Estimated Price -** Costs to be included under Group II are those incurred over and above the cost of the essential data item without conforming to Government requirement, and the administrative and other expenses related to reproducing and delivering such data item to the Government.

c. **Group III. Definition -** Data which the contractor must develop for his internal use in performance of the primary contracted effort and does not require any substantial change to conform to Government requirements with regard to depth of content, format, frequency of submittal, preparation, control, and quality of the data item.

**Estimated Price -** Costs to be included under Group III are the administrative and other expenses related to reproducing and delivering such data item to the Government

d. **Group IV. Definition -** Data which is developed by the contractor as part of his normal operating procedures and his effort in supplying these data to the Government is minimal

**Estimated Price -** Group IV items should normally be shown on the DD Form 1423 at no cost.

**Item 18.** For each data item, enter an amount equal to that portion of the total price which is estimated to be attributable to the production development for the Government of that item's data. These estimated data prices shall be developed only from those costs which will be incurred as a direct result of the requirement to supply the data, over and above those costs which would otherwise be incurred in performance of the contract if not data were required. The estimated data prices shall not include any amount for rights in data. The Government's right to use the data shall be governed by the pertinent provisions of the contract



| CONTRACT DATA REQUIREMENTS LIST<br>(2 Data Items)   |  |                              |   |  |           | Form Approved<br>OMB No. 0704-0188 |       |
|---|--|------------------------------|---|--|-----------|------------------------------------|-------|
| <p>The public reporting burden for this collection of information is estimated to average 220 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0188), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to the above address. Send completed form to the Government Issuing Contracting Officer for the Contract/PR No. listed in Block E.</p> |  |                              |   |  |           |                                    |       |
| A. CONTRACT LINE ITEM NO.   |  | B. EXHIBIT                   |   | C. CATEGORY:<br>TDP <input type="checkbox"/> TM <input type="checkbox"/> OTHER <input checked="" type="checkbox"/> |           |                                    |       |
| D. SYSTEM/ITEM<br>5342-01-126-4141  |  | E. CONTRACT/PR NO.           |   | F. CONTRACTOR  |           |                                    |       |
| 1. DATA ITEM NO.<br>0000  | 2. TITLE OF DATA ITEM<br>REQUEST FOR WAIVER          |                              |   | 3. SUBTITLE<br>N/A   |           | 17. PRICE CODE                     |       |
| 4. AUTHORITY (Data Acquisition Document No.)<br>DI-CMAN-80641B  |  | 5. CONTRACT REFERENCE<br>N/A |   | 6. REQUIRING OFFICE<br>SEE BLOCK 16  |           | 18. ESTIMATED TOTAL PRICE          |       |
| 7. DD250 REQ<br>LT  | 9. DIST STATEMENT REQUIRED<br>B                      | 10. FREQUENCY<br>AS REQ      | 12. DATE OF FIRST SUBMISSION<br>AS REQ      | 14. DISTRIBUTION   |           |                                    |       |
| 8. ADP CODE<br>A  |  | 11. AS OF DATE<br>N/A        | 13. DATE OF SUBSEQUENT SUBMISSION<br>AS REQ | a. ADDRESSEE   | b. COPIES |                                    |       |
|   |  |                              |   |  | Draft     | Reg                                | Final |
|   |  |                              |   |  |           |                                    | Repro |
| 16. REMARKS<br><br>Block 6: Forward additional copy to NAVICP code cited in Block 10.A on page 1.<br>1. This Data Item Description (DID) contains the format, content and preparation instructions for the data product resulting from the work task described in paragraph 6.4.3.4 or 6.4.8.3.3 of MIL-STD-973.<br>2. Copies of the Request for Waiver form are available from the DODSSP Standardization Documents Order Desk, Building 40, 700 Robbins Avenue, Philadelphia, PA 19111-5098.<br>3. Format and Content: The request for Deviation format and content shall be in accordance with Appendix E of MIL-STD-973.  |  |                              |   | NADEP Cherry Point   | 00        | 01                                 | 00    |
|   |  |                              |   | DSCR/JGTB  | 00        | 01                                 | 00    |
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| 1. DATA ITEM NO.<br>0000  | 2. TITLE OF DATA ITEM<br>REQUEST FOR DEVIATION (RFD) |                              |   | 3. SUBTITLE<br>N/A   |           | 17. PRICE CODE                     |       |
| 4. AUTHORITY (Data Acquisition Document No.)<br>DI-CMAN-80641B  |  | 5. CONTRACT REFERENCE<br>N/A |   | 6. REQUIRING OFFICE<br>SEE BLOCK 16  |           | 18. ESTIMATED TOTAL PRICE          |       |
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| 8. ADP CODE<br>A  |  | 11. AS OF DATE<br>N/A        | 13. DATE OF SUBSEQUENT SUBMISSION<br>AS REQ | a. ADDRESSEE   | b. COPIES |                                    |       |
|   |  |                              |   |  | Draft     | Reg                                | Final |
|   |  |                              |   |  |           |                                    | Repro |
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| G. PREPARED BY<br>N00383 0733.16  |  | H. DATE<br>Feb. 13, 2002     |   | I. APPROVED BY<br>Mark Monaghan  |           | J. DATE<br>Feb. 13, 2002           |       |



# INSTRUCTION FOR COMPLETING DD FORM 1423

(See DoD 5010.12-M for detailed instructions.)

FOR GOVERNMENT

## FOR GOVERNMENT PERSONNEL

**Item A.** Self-explanatory

**Item B.** Self-explanatory

**Item C.** Mark (X) appropriate category: TDP - Technical Data Package; TM - Technical Manual Other - other category of data, such as AProvisioning, AConfiguration Management, etc.

**Item D.** Enter name of system/item being acquired that data will support.

**Item E.** Self-explanatory (to be filled in after contract award)

**Item F.** Self-explanatory (to be filled in after contract award)

**Item G.** Signature of preparer of CDRL

**Item H.** Date CDRL was prepared

**Item I.** Signature of CDRL approval authority

**Item J.** Date CDRL was approved

**Item 1.** See DoD FAR Supplement Subpart 4.71 for proper numbering.

**Item 2.** Enter title as it appears on data acquisition document cited in Item 4.

**Item 3.** Enter subtitle of data item for further definition of data item (optional entry)

**Item 4.** Enter Data Item Description (DID) number, military specification number, or military standard number listed in DoD 5010.12-1 (AMSDL), or one-time DID number, that defines data content and format requirements

**Item 5.** Enter reference to tasking in contract that generates requirement for the data item (e.g., Statement of Work paragraph number)

**Item 6.** Enter technical office responsible for ensuring adequacy of the data item

**Item 7.** Specify requirement for inspection/acceptance of the data item by the Government

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**Item 9.** For technical data, specify requirement for contractor to mark the appropriate distribution statement on the data (ref DoDD 5230.24)

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Estimated Price - Costs to be included under Group II are those incurred over and above the cost of the essential data item without conforming to Government requirement, and the administrative and other expenses related to reproducing and delivering such data item to the Government.

c. Group III. Definition - Data which the contractor must develop for his internal use in performance of the primary contracted effort and does not require any substantial change to conform to Government requirements with regard to depth of content, format, frequency of submittal, preparation, control, and quality of the data item.

Estimated Price - Costs to be included under Group III are the administrative and other expenses related to reproducing and delivering such data item to the Government.

d. Group IV Definition - Data which is developed by the contractor as part of his normal operating procedures and his effort in supplying these data to the Government is minimal

Estimated Price - Group IV items should normally be shown on the DD Form 1423 at no cost.

**Item 18.** For each data item, enter an amount equal to that portion of the total price which is estimated to be attributable to the production development for the Government of that item of data. These estimated data prices shall be developed only from those costs which will be incurred as a direct result of the requirement to supply the data, over and above those costs which would otherwise be incurred in performance of the contract if not data were required. The estimated data prices shall not include any amount for rights in data. The Government's right to use the data shall be governed by the pertinent provisions of the contract